
Prescription: 611 Special Topics in Commercial Law

Elective prescription

Level	6
Credit	20
Version	2
Aim	Students will demonstrate skills and knowledge in specialty areas of commercial law.
Prerequisites	Recommended 510 Introduction to Commercial Law or equivalent knowledge and skills.

Recommended Prior Knowledge**Assessment weightings**

Learning outcomes	Assessment weighting %
1. Students will apply the law relating to taking a security interest to given business situations.	20
2. Students will apply the provisions of the Credit Contracts and Consumer Finance Act.	10
3. Students will demonstrate knowledge of the legal issues in a competitive trading market, and apply anti-competitive provisions.	15
4. Students will demonstrate knowledge of the rights and liabilities of parties involved in on-line buying and selling of goods and services.	15
5. Students will apply insurance law to typical fact situations.	15
6. Students will apply the options and procedures available for debt recovery in a business situation and the principles of bankruptcy.	15
7. Students will demonstrate an awareness of an aspect of a legal topic affecting business in a given situation.	10
Total	100

All learning outcomes must be evidenced; a 10% aggregate variance is allowed.

Assessment notes

1. Assessment materials should reflect relevant and current legislation, standards, regulations and acknowledged good industry/business practices.

Learning outcome one

Students will apply the law relating to taking a security interest to given business situations.

Key elements:

- a) Three of:
 - mortgage
 - guarantee and indemnity
 - personal property security
 - factor and lien
 - bailment.
- b) Consequences of non-compliance.
- c) Public access to information registries.

Learning outcome two

Students will apply the provisions of the Credit Contracts and Consumer Finance Act.

Key element

- a) Provisions of the Credit Contracts and Consumer Finance Act:
 - disclosure
 - oppression
 - hardship.

Learning outcome three

Students will demonstrate knowledge of the legal issues in a competitive trading market, and apply anti-competitive provisions.

Key elements:

a) Elements of intellectual property protections, two of:

- copyright
- patents
- trademarks.

plus one of:

- licensing
- passing off or Fair Trading Act
- breach of confidential information.

b) Two anti-competitive provisions of the Commerce Act.

Learning outcome four

Students will demonstrate knowledge of the rights and liabilities of parties involved in on-line buying and selling of goods and services.

Key elements:

a) Fraud and security.

b) Privacy.

c) Cross jurisdiction trading.

d) Consumer protection.

e) Credit card transactions.

Learning outcome five

Students will apply insurance law to typical fact situations.

Key elements:

- a) Essential elements of a valid insurance contract:
 - role of agent and/or broker
 - effects of the doctrine of utmost good faith
 - the effects of misstatements and omissions.
- b) Principles of law applicable to insurance claims:
 - use of exclusion clauses
 - notice of loss
 - and two others.
- c) Payment of claims:
 - the principle of subrogation
 - role of average and excess clauses.

Learning outcome six

Students will apply the options and procedures available for debt recovery in a business situation and the principles of bankruptcy.

Key elements:

- a) Three enforcement procedures available for recovery not including bankruptcy, repossession, receivership or liquidation.
- b) repossession of assets.
- c) Principles of bankruptcy:
 - commencement and acts of bankruptcy
 - consequences
 - relation back and antecedent situations.

Learning outcome seven

Students will demonstrate an awareness of an aspect of a legal topic affecting business in a given situation.

Key elements:

- a) One of:
- commercial dispute resolution
 - Resource Management Act
 - negotiable instruments
 - franchising
 - cyber law
 - any other topic affecting business.

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Introduced	1	2006	30 June 2015
Review	2	June 2013	31 December 2020